

FILED

UNITED STATES COURT OF APPEALS

NOV 22 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HASSAN ABPIKAR,

Defendant - Appellant.

No. 11-10192

D.C. No. 5:08-cr-00560-RMW-1  
Northern District of California,  
San Jose

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Appellee's motion to dismiss this appeal for failure to prosecute is denied.

Appellant's eighth motion to extend time to file the opening brief and excerpts of record is granted. The opening brief is now due November 22, 2013. Failure to file the opening brief by this date may result in the removal of counsel Erik G. Babcock, Esq. from his appointment and the denial of compensation under the Criminal Justice Act.

If appellant files the opening brief, the answering and reply briefs shall be filed in accordance with Federal Rule of Appellate Procedure 31(a).